

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0511.01 Brita Darling x2241

HOUSE BILL 21-1018

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A BILL FOR AN ACT

101 **CONCERNING ALLOWING ADOPTIVE PARENTS WHO ARE PARTIES TO**
102 **ADOPTION ASSISTANCE AGREEMENTS TO PAY FOR MEDICAL**
103 **SERVICES THAT WOULD OTHERWISE BE REIMBURSABLE UNDER**
104 **THE MEDICAL ASSISTANCE PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill permits adoptive parents who are parties to an adoption assistance agreement (agreement) to pay for services or items from a provider that is not enrolled in the medical assistance program. These

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 14, 2021

SENATE
Amended 2nd Reading
April 13, 2021

HOUSE
3rd Reading Unamended
March 10, 2021

HOUSE
Amended 2nd Reading
March 9, 2021

services or items would otherwise be reimbursable under the medical assistance program pursuant to the terms of the agreement. The adoptive parents must determine if the special needs of the child or youth require items or services from the provider and must enter into a documented agreement with the provider in which the adoptive parents agree to bear the cost of the items or services.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-7-107, **amend** (3)
3 and (5) as follows:

4 **26-7-107. Determination of benefits - adoption assistance**
5 **agreement - review - definitions.** (3) (a) Determination of the type and
6 amount of benefits to be provided must take into consideration the
7 circumstances of the adoptive family and the current and anticipated
8 needs of the eligible child or youth being adopted. In no case may the
9 amount of the monthly subsidy payment exceed the foster care
10 maintenance payment that would have been paid if the eligible child or
11 youth had been in foster care at the time of the eligible ~~child~~ CHILD'S or
12 youth's adoption or at the time of renegotiation in the case of adoption
13 assistance adjustment. The amount of payments may be adjusted
14 periodically if either the needs of the eligible child or youth or the
15 circumstances of the family change, but only with the concurrence of the
16 adoptive parents.

17 (b) (I) IN ADDRESSING THE ■■■ NEEDS OF AN ELIGIBLE ADOPTED
18 CHILD OR YOUTH, ADOPTIVE PARENTS MAY KNOWINGLY TAKE ON
19 ADDITIONAL COSTS FOR ITEMS OR SERVICES FOR THE CHILD OR YOUTH
20 BEING ADOPTED, WHICH ITEMS OR SERVICES ARE OTHERWISE COVERED
21 COSTS UNDER THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN
22 ARTICLES 4, 5, AND 6 OF TITLE 25.5 AND IDENTIFIED AS BENEFITS IN

1 SECTION 26-7-106 (2)(b). THE LIMITATIONS ON RECIPIENT PAYMENTS
2 CONTAINED IN SECTIONS 24-31-808 AND 25.5-4-301 DO NOT APPLY TO
3 SUCH ADDITIONAL COSTS SO LONG AS THE ADOPTIVE PARENTS CONSENT TO
4 BEAR THE COSTS AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION,
5 AND SO LONG AS THE PROVISIONS OF THIS SUBSECTION (3)(b) ARE NOT
6 PROHIBITED UNDER FEDERAL LAW.

7 (II) THE ADOPTIVE PARENTS MAY ENTER INTO A WRITTEN
8 AGREEMENT WITH A PROVIDER UNDER WHICH THE ADOPTIVE PARENTS
9 AGREE TO PAY FOR ADDITIONAL COSTS ASSOCIATED WITH ITEMS OR
10 SERVICES THAT ARE REIMBURSABLE UNDER THE MEDICAL ASSISTANCE
11 PROGRAM BUT, IN THE JUDGMENT OF THE ADOPTIVE PARENTS, MAY BE
12 REQUIRED FROM A PROVIDER THAT IS NOT ENROLLED IN THE MEDICAL
13 ASSISTANCE PROGRAM. UNDER THESE CIRCUMSTANCES, THE ADOPTIVE
14 PARENTS ARE LIABLE FOR THE COSTS OF SUCH ITEMS OR SERVICES AND
15 SHALL NOT SEEK REIMBURSEMENT UNDER THE ADOPTION ASSISTANCE
16 PROGRAM OR THE MEDICAL ASSISTANCE PROGRAM FOR THE COST OF SUCH
17 ITEMS OR SERVICES AFTER THE ITEMS OR SERVICES HAVE BEEN PROVIDED
18 AND PAID FOR PURSUANT TO A WRITTEN AGREEMENT DESCRIBED IN THIS
19 SUBSECTION (3)(b)(II). FURTHER, THE COUNTY DEPARTMENT IS NOT
20 REQUIRED TO COVER THE COST OF SUCH ITEMS OR SERVICES AS PART OF
21 THE CIRCUMSTANCES OF THE FAMILY OR THE ANTICIPATED NEEDS OF THE
22 ELIGIBLE CHILD OR YOUTH DURING SUBSIDY NEGOTIATIONS PURSUANT TO
23 THIS SECTION. NOTHING IN THIS SECTION PRECLUDES CONSIDERATION OF
24 ANY OTHER FAMILY CIRCUMSTANCES OR ANTICIPATED NEEDS FOR
25 PURPOSES OF NEGOTIATING ADOPTION ASSISTANCE.

26 (III) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
27 SHALL SEEK ANY FEDERAL AUTHORIZATION NECESSARY UNDER THE

1 MEDICAL ASSISTANCE PROGRAM, ESTABLISHED IN ARTICLES 4, 5, AND 6 OF
2 TITLE 25.5, FOR PURPOSES OF THIS SUBSECTION (3)(b).

3 (5) An agreement entered into pursuant to SUBSECTION (1) OF this
4 section must be reviewed at least every three years. The county
5 departments shall provide written notice of the upcoming review to the
6 adoptive family.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.